

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

UNITED STATES OF AMERICA,

Plaintiff,
v.
NOEL BARRERA SILVA,
Defendant.

**Criminal Action No. 2:15-CR-1
(BAILEY)**

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court upon consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull. By Local Rule, this action was referred to Magistrate Judge Kaull for submission of a proposed report and a recommendation (“R & R”). Magistrate Judge Kaull filed his R & R on April 10, 2015. [Doc. 40]. In that filing, the magistrate judge recommended that this Court deny the Defendant’s Motions to Suppress [Docs. 23 & 27].

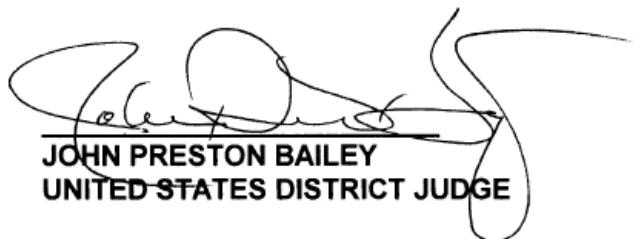
Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaull’s R & R were due within

fourteen (14) days of filing of this same, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). To date, neither objections to the R&R, nor a motion to extend the time within which to do so have been filed. Accordingly, this Court will review the R&R for clear error.

After careful consideration of the record and the motions, it is the opinion of this Court that the Report and Recommendation [**Doc. 40**] should be, and is, hereby **ORDERED ADOPTED**. As such, defendant Noel Barrera Silva's Motion to Suppress [**Doc. 23**] and Motion to Suppress Statements [**Doc. 27**] are hereby **DENIED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: April 30, 2015.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE